

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

GEORGIO RODRIQUEZ SCOTT

PLAINTIFF

v.

CIVIL ACTION NO. 2:19-cv-166-TBM-MTP

FORREST COUNTY, MISSISSIPPI, *et al*

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on submission of the Report and Recommendation [69] entered by United States Magistrate Judge Michael T. Parker on June 24, 2022. Judge Parker recommends that the Defendants' Motion for Summary Judgment [46] be granted, and that this matter be dismissed. Specifically, Judge Parker recommends that the following claims be dismissed with prejudice: all claims against Forrest County, Mississippi; the food related claims against Correctional Officer 41, Dustin Gibson; and delay of medical care claims against Officer 66, Richard Williams. Judge Parker further recommends that the Plaintiff's remaining claims against Correctional Officer 41, Dustin Gibson; Correctional Officer 56, Byron Alexander; and Correctional Officer 66, Richard Williams, be dismissed without prejudice. The Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.¹

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881


¹ The Plaintiff's objection was originally due July 8, 2022. On July 11, 2022, the Plaintiff filed a "Supplemental to Summary Judgment Motion Response #3." [70]. Not only does the style of [70] indicate that it is a response to the Defendant's Motion for Summary Judgment, but the substance of [70] makes it clear that the Plaintiff did not intend to object to the Report and Recommendation within this response [70]. In fact, on July 19, 2022, the Plaintiff requested a thirty-day extension of time to file an objection to the Report and Recommendation. The Court granted the Plaintiff's request and ordered that the Plaintiff file his objections to the Report and Recommendation by August 19, 2022. He has not done so.

(5th Cir. 2010) (affirming district court’s dismissal of Section 1983 claims and stating that “[w]hen a party fails timely to file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”) (*citing Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1)); *Douglass*, 79 F.3d at 1430 (affirming district court’s grant of summary judgment). Having considered Judge Parker’s Report and Recommendation, the Court finds it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [69] entered by United States Magistrate Judge Michael T. Parker on June 24, 2022, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendants’ Motion for Summary Judgment [46] is GRANTED. The Plaintiff’s claims against Forrest County, Mississippi; the food related claims against Correctional Officer 41, Dustin Gibson; and delay of medical care claims against Officer 66, Richard Williams, are DISMISSED WITH PREJUDICE. The Plaintiff’s remaining claims against Correctional Officer 41, Dustin Gibson; Correctional Officer 56, Byron Alexander; and Correctional Officer 66, Richard Williams, are DISMISSED WITHOUT PREJUDICE.

THIS, the 6th day of September, 2022.


 TAYLOR B. McNEEL
 UNITED STATES DISTRICT JUDGE